

Remarks

Claims 1-20 are currently pending in the Application and Claims 30-35 are newly presented herein.

Claim amendments

This response amends Claims 1 and 14 to clarify the language of the claims. Specifically, Claim 1 has been amended to clarify the term “that effect” by reciting “identifying whether (i) or (ii) has been performed.” Support for this amendment can be found, for example, on page 11, line 25 to page 12, line 20 of the specification. Claim 14 has been amended to clarify the term “print ops” by reciting “mechanical elements necessary for performing printing operations.” Support for this amendment can be found, for example, on page 7, lines 20-24 of the specification.

This response amends Claim 15 to clarify the scope of the invention by reciting limitations of Claim 16. Claim 16 has been canceled without prejudice.

This response amends Claim 19 to clarify the scope of the invention by being dependent on Claim 15 instead of Claim 19.

35 U.S.C. §112, second paragraph, rejections

Claims 1, 14 and 19 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Examiner Claim 1 is unclear for reciting “that effect,” Claim 14 is unclear for reciting “print ops,” and Claim 19 is dependent on itself. As stated above, Claims 1, 14 and 19 have been amended to overcome the Examiner’s rejections. Applicants request that the rejections be withdrawn.

35 U.S.C. §102(b) Rejection

Claims 1, 5-8 and 14-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by JP 10143340. Applicants respectfully disagree.

The Examiner is reminded that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 quoting *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner is also reminded that “[the] identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Applicants submit that the Examiner has not shown that JP 10143340 teaches each and every element as set forth in the rejected claims. In particular:

Claim 1

Applicants submit that the Examiner has not shown that JP 10143340 discloses, suggests or teaches, *inter alia*, at least the following features recited by Claim 1 of the present application:

“dispatching first source data having a first printing priority to at least one printer ... dispatching second source data having a second printing priority to the at least one printer ... determining whether the second priority is higher than the first priority” (emphasis added)

The Examiner asserts that JP 10143340’s interruption printing demand is a priority check. See page 3, lines 15-17 of the Official Action. Applicants respectfully traverse the Examiner’s assertion.

JP 10143340 discloses CPU “6” in a laser printer “20” that runs a routine that checks whether there is the interruption printing request **from** any of the hosts “22A...22X.” See paragraph 0018 and Figure 3 of JP 10143340.

If the Examiner is correct in that JP 10143340’s interruption printing demand/request is a priority check, it is obviously received by the laser printer “20” **from** hosts “22A ...22x.” Where does Claim 1 recite that a priority check is sent **to** a printer? The Examiner appears to apply limitations to Claim 1 that are not present in Claim 1. Claim 1 recites “dispatching first source data having a first

printing priority to at least one printer” and “dispatching second source data having a second printing priority to the at least one printer,” Claim 1 does not recite dispatching an interruption printing request to the at least one printer.

Because JP 10143340 discloses sending the interruption printing request to the printer, how can JP 10143340 teach, disclose or suggest “dispatching first source data having a first printing priority to at least one printer ... dispatching second source data having a second printing priority to the at least one printer ... determining whether the second priority is higher than the first priority” as recited in Claim 1?

Applicants further request that the Examiner clarify his position in asserting that JP 10143340’s interruption printing demand is a priority check. The Examiner states that interruption demand inherently requires priority level. Where does JP 10143340 teach disclose or suggest that interruption printing demand requires priority level? Applicants respectfully request, under 37 C.F.R. § 1.104(d)(2), that the Examiner provide an Affidavit supporting the Examiner’s assertions. If the Examiner is relying on a prior art reference Applicants respectfully request that the Examiner cite the reference. Otherwise, Applicants respectfully request that the assertion be withdrawn.

From the reading of JP 10143340, Applicants believe JP 10143340 discloses a signal sent by the one of the hosts “22A ...22X” to the printer “20” to cause interruption of a printing process in the printer “20” irrespective of a priority level. Because JP 10143340 does not teach disclose or suggest interruption printing request having priority level, how can JP 10143340 teach disclose or suggest “a first printing priority ... second printing priority” and “determining whether the second priority is higher than the first priority” as recited in Claim 1?

Applicants submit that JP 10143340 does not teach, disclose or suggest “dispatching first source data having a first printing priority to at least one printer

... dispatching second source data having a second printing priority to the at least one printer ... determining whether the second priority is higher than the first priority” as recited in Claim 1. Hence, Claim 1 is patentable over JP 10143340 and should be allowed by the Examiner. Claims 5-8 and 14, at least based on their dependency on Claim 1, are also believed to be patentable over JP 10143340.

Claim 15

Applicants submit that the Examiner has not shown that JP 10143340 discloses, suggests or teaches, *inter alia*, at least the following features recited by amended Claim 15 of the present application:

“wherein the processor is adapted to run a program that: determines a priority assigned to incoming data entering the printer via the at least one network port for a first type of print processing; determines whether the priority assigned to the incoming data is higher than a priority assigned to current data undergoing the first type of print processing; and automatically executes a suspension function in the event that the incoming data has a higher priority than the current data” (emphasis added)

As stated above, JP 10143340 discloses CPU “6” in a laser printer “20” that runs a routine that checks whether there is the interruption printing request from any of the hosts “22A...22X.” See paragraph 0018 and Figure 3 of JP 10143340.

If the Examiner is correct in that JP 10143340’s interruption printing demand/request is a priority check, it is obviously received by the laser printer “20” from hosts “22A ...22x.” How can JP 10143340 disclose a printer that “determines whether the priority assigned to the incoming data is higher than a priority assigned to current data undergoing the first type of print processing” as recited in amended Claim 15, when JP 10143340’s interruption printing demand/request is generated by hosts “22A ...22x.”

Applicants submit that JP 10143340 does not teach, disclose or suggest “wherein the processor is adapted to run a program that: determines a priority assigned to incoming data entering the printer via the at least one network port for a first type

of print processing; determines whether the priority assigned to the incoming data is higher than a priority assigned to current data undergoing the first type of print processing; and automatically executes a suspension function in the event that the incoming data has a higher priority than the current data” as recited in amended Claim 15. Hence, Claim 15 is patentable over JP 10143340 and should be allowed by the Examiner. Claims 17-19, at least based on their dependency on amended Claim 15, are also believed to be patentable over JP 10143340.

Claim 20

Applicants submit that, at least for the reasons stated above, JP 10143340 does not teach, disclose or suggest “dispatching first source data having a first printing priority to at least one printer for performance of at least one print process; subsequent to dispatch of the first source data and prior to completion of the at least one print process, dispatching second source data having a second printing priority to the at least one printer for performance of at least one print process; determining whether the second priority is higher than the first priority” as recited in Claim 20. Hence, Claim 20 is patentable over JP 10143340 and should be allowed by the Examiner.

35 U.S.C. §103(a) Rejection

Claims 2-4 stand rejected under 35 U.S.C. §103(a) as being obvious in view of JP 10143340 and further in view of Terao (U.S. Patent No. 6,389,121). Claim 9 stands rejected under 35 U.S.C. §103(a) as being obvious in view of JP 10143340 and further in view of Kato (U.S. Patent No. 6,771,386). Claims 10-12 stand rejected under 35 U.S.C. §103(a) as being obvious in view of JP 10143340, Kato and further in view of Mastie (U.S. Patent No. 6,373,585). Claims 9-13 stand rejected under 35 U.S.C. §103(a) as being obvious in view of JP 10143340, Kato and further in view of Terao.

Applicants submit that Claims 2-4 and 9-13, at least based on their dependency on Claim 1, are believed to be patentable over JP 10143340, Terao, Kato and Mastie, because there is no prima facie 35 USC 103(a) case based on JP 10143340, as shown above, and

because the Examiner has not shown to the Applicants where Terao, Kato and Mastie disclose, teach or suggest the features not found in JP 10143340.

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendments, Commissioner for Patents, POB. 1450, Alexandria, VA 22313-1450 on

August 26, 2005

(Date of Deposit)

Susan Papp

(Name of Person Signing)

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(Signature)

August 26, 2005

(Date)

Encl.: Petition for extension
(in duplicate)
Postcard

Respectfully submitted,



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